

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7269 OF 2005

A.V.Shanti Prakash .. Petitioner

Vs.

A.Yashodha Suparna ..Respondent

Mr.Y.V.Divekar i/b M/s.Divekar and Co. for the
petitioner

Mr.R.V.Govilkar for the respondent

CORAM : S.U.KAMDAR, J
DATED : 14TH DECEMBER, 2005

P.C.:

1. Rule. Returnable forthwith.
2. By consent of the parties, the following order is passed:
3. Impugned order dt.30.9.05 is modified. Petitioner will be at liberty to go abroad for the purpose of job subject to the following conditions:
4. That before leaving the country petitioner will issue a bank guarantee in the name of the Registrar, Family Court for a sum of Rs.1 lac.

Trial Court is directed to dispose of the interim maintenance application dt.14.10.05 which is pending before the Family Court on or before 28.2.06. Once the maintenance amount is fixed and petitioner commits any 2 defaults in making payment of the maintenance amount, respondent will be entitled to apply for invocation of bank guarantee and recovery of amount which is found due and payable pursuant to the order of the interim maintenance passed by the Trial Court.

5. It is further clarified that in an event if the petitioner leaves the country petitioner will first take permission from the Family Court who shall grant permission subject to petitioner furnishing his name, residential address as well as the name of the employer and the details of his employment such as salary fixed and the work place where he will be working. In an event if the petitioner makes continuous defaults in making payment of maintenance amount then in that event irrespective of the fact that the amount is recovered by the respondent from the bank guarantee the respondent also will be entitled to apply to

the Family Court for all necessary orders for execution of the said maintenance fixed including for confiscation of passport and for various other orders as permissible in law. With the aforesaid direction, petition is disposed of.